IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 13518 of 2000

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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DHROL NAGAR PANCHAYAT - Petitioner(s)
Versus
DISTRICT LOCAL EMPLOYEES UNION - Respondent(s)

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Appearance :
MR PRAVIN GONDALIYA for Petitioner
None for Respondent

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CORAM : HONOURABLE MR.JUSTICE R.S.GARG

Date : 08/08/2007

ORAL JUDGMENT

Shri Pravin Gondaliya, learned counsel for the petitioner; as none appears for the respondent, I propose to proceed exparte.

2. The petitioner Nagar Panchayat, being aggrieved by the award dated 29.12.99, passed by the Labour Court, Jamnagar in Reference [LCD] Nos. 6/91 and 6/95, is before this Court with a submission that the Labour Court was unjustified in conferring permanency status upon the respondent and also erred in directing payment of back wages with effect from 1.4.97. Shri Pravin Gondaliya, learned counsel for the petitioner Panchayat has raised two questions, which I will take up one after another.

3. It was submitted that there was no change in the staff setup of the respondent since after the petitioner-Panchayat has come into existence, therefore, the persons who were appointed as temporary/ad-hoc employees could not be made permanent. It is to be seen from the records that the present petitioner, despite due opportunity to lead evidence, did not lead any oral evidence nor produced any documentary evidence to submit the proof that there had been no change in the staff setup and pattern.

4. It was then submitted that the respondents were

back-door entries, they were appointed without any interview and as they were not properly qualified, their basic appointments were illegal. Unfortunately, this argument should also stand nullified in view of the fact that no evidence was led by the petitioner Panchayat to satisfy the Labour Court that what were the required qualifications for appointment of Class-IV employees, whether these persons were appointed after the interview, whether they were back-door entry or not. In absence of proper, cogent and clinching evidence, present must be held to be a case of no evidence/no defence. If that be so, the Court below was justified in negativing the defence of the petitioner. I find no reason to interfere. The petition is dismissed. Rule is discharged. No costs. Interim relief, if any is vacated.

[R.S. GARG, J.]

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